19/45 File No. University II/45

Legal Department

B BRANCH

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Subject:— Rules and Notifications under the Bombay University Act 1974

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1941

File No University II/45

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Office of the Senate

Section 33(2)(kk) of the Bombay University Act, 1928, empowers the Senate to make Statutes providing for the conditions to be complied with by schools desiring recognition for the purpose of sending up pupils as candidates for the Matriculation Examination and the conditions to be complied with by candidates for the Matriculation Examination whether sent up by recognised schools or not. In R.L.A.'s opinion No. 8250 dated the 9th November 1943 it has been held that under the Act as it then stood matters falling within the purview of clause (kk) of section 33(2) could only be provided for by Statutes. In accordance with that opinion No Ordinances can be made providing for those matters. This opinion of the R.L.A. does not in any way conflict with his previous opinion No. 2732 dated the 15th May 1930 or that of the Advocate General No. 23 dated the 11th July 1936. In these opinions all that has been held is that in view of section 15(2)(k) it was competent to the Senate to delegate its powers under section 33(2)(kk) to the Syndicate. It is nowhere laid down in these opinions that after the powers under section 33(2)(kk) are delegated to the Syndicate the Syndicate could provide for the matters referred to in that section by framing Ordinances. On the contrary it would appear from the Advocate General's opinion referred to that the power delegated to the Syndicate in that behalf would have to be exercised by that body by framing Statutes. There is therefore no conflict between R.L.A.'s opinion of 1943 and the opinions given in 1936 by the R.L.A. and the Advocate General . Accordingly there is no reason to reconsider the opinion given in 1943.

Sd/-P.B.Moos
30-11-45

Remembrancer of Legal Affairs.

U.O. to R.D.No. 8695, dated the 21st November 1945.

S.A.K.
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